IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 33375 of 2003(W)

PETITIONERS:

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1. M/S. GLIDER AGENCIES (P)LTD.,
ROOM NO.2, T.V.S. BUILDING, TELLICHERY ROAD,
THANA, KANNUR-670 012.
(SERVICE OF SUMMONS MAY BE EFFECTED BY SERVING ON A2, U/S.63 OF CR.PC).

2. SRI. C.C.P. MUHAMMED HABEEB,
AGED 32 YEARS, S/O. P. ABDULLA,
FATHIMA'S THANA, KANNATHUMCHAL,
KANNUR-670 012.

3. SRI.C.C. ABDULLA, S/O. P. MAMMU HAJI,
AGED 48 YEARS, RUQUIA MANZIL, BATIA PATTANAM,
KANNUR.

4. SMT. C.C.P. FATHIMA ABDULLA,
M/O. P. ABDULLA, AGED 58 YEARS,
FATHIMA'S THANA, KANNATHUMCHAL, KANNUR-670 012.

BY ADV. SRI.JOSE TOM C.KANDATHIL

RESPONDENTS:

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1. REGISTRAR OF COMPANIES,
KERALA, M.G. ROAD, ERNAKULAM, KOCHI-682 011.

2. ADDITONAL CHIEF JUDICIAL MAGISTRATE
COURT, (ECONOMIC OFFENCE ERNAKULAM.)

BY ADV. SRI.N.NAGARESH, ADDL.CGSC
SRI.JOHN VARGHESE, SCGSC
SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.33375/2003 W

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE COMPLAINT DTD. 23/01/2002.**

EXT.P2; **COPY OF THE SIMPLIFIED EXIT SCHEME DTD. NIL**

EXT.P3: **COPY OF THE APPLICATION FORM UNDER SECTION 560 OF THE COMPANIES ACT DTD. 5/06/2003.**

EXT.P4: **COPY OF THE RECEIPT DTD. 15/10/2003.**

EXT.P5: **COPY OF THE MEDICAL CERTIFICATE DTD. 15/10/2003.**

EXT.P6: **COPY OF THE DISCHARGE SUMMERY DTD. 2/05/2003.**

/TRUE COPY/

P.S.TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

W.P.(C).No.33375 of 2003 W

Dated this the 19th day of July, 2007.

JUDGMENT

There is no representation for the petitioners. However, it is seen that an application has been filed by the petitioners before the first respondent seeking the benefits of the Simplified Exit Scheme. Necessarily, the learned magistrate (2nd respondent) will have to take into account the decision taken by the first respondent on the above application. Under these circumstances, I dispose of this writ petition issuing the following directions:

> (1) The application submitted by the petitioners before the 1st respondent on the basis of Ext.P2 scheme will be taken up by the first respondent and disposed of, in accordance with law, with notice to the petitioners or their representatives, within three months of the petitioners producing a copy of this judgment before the 1st respondent.
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> (2) Once a decision is taken by the 1st respondent on that application, the petitioners will, through their counsel, produce the said decision before the 2nd respondent, who will pass

appropriate orders on the complaint, taking due note of the decision of the 1st respondent. It is also open to the 1st respondent, if the decision taken on the application submitted by the petitioners is in their favour, to seek withdrawal of the complaint. At any rate, the petitioners are permanently exempted from appearing in person before the 2nd respondent till the 2nd respondent takes a decision regarding the continuance of the complaint, after the decision of the 1st respondent on the petitioners' application under Ext.P2 scheme is produced.

Sd/-
(PIUS C. KURIAKOSE)
JUDGE

sk/

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